

Before the  
Federal Communications Commission  
Washington, D.C. 20554

CC Docket No. 93-2

In the Matter of

Amendment of Part 21 of the  
Commission's Rules for the Domestic  
Public Fixed Radio Services

### NOTICE OF PROPOSED RULEMAKING

Adopted: January 6, 1993;      Released: February 9, 1993

Comment Date: March 16, 1993

Reply Date: April 16, 1993

By the Commission:

#### I. INTRODUCTION

1. By this Notice of Proposed Rulemaking, we propose to revise Part 21 of our Rules, which requires that Point-to-Point Microwave Radio Service (PPMS) applicants obtain an authorization prior to commencing construction of proposed facilities. Under the proposed rule, PPMS applicants that satisfy certain requirements could begin construction of proposed facilities upon filing FCC Form 494 (Application for a New or Modified Microwave Radio Station License under Part 21), prior to grant of an authorization. In this proceeding, we also seek comments on the proposed revision and elimination of several reporting requirements for all Part 21 applicants, including PPMS applicants.

2. On October 16, 1991, McCaw Cellular Communications, Inc. filed a Petition for Rulemaking (RM-7861) proposing to revise Part 21 to allow PPMS applicants to obtain permanent authorization using procedures currently reserved for obtaining authorization for facilities at temporary-fixed locations. Comments were filed in response to the McCaw Petition by parties listed at Appendix C. We will consider the McCaw Petition in the context of this rulemaking proceeding.

#### II. DISCUSSION

3. Section 319(d) of the Communications Act of 1934, as amended, 47 U.S.C. Section 319(d), provides that a construction permit shall "not be required for . . . stations licensed to common carriers, unless the Commission determines that the public interest, convenience, and necessity would be served by requiring such permits." Part 21 applicants, including PPMS applicants, are currently required to obtain authorization prior to commencing construction of proposed facilities. 47 C.F.R. § 21.3. In the *Report and Order*, 2 FCC Rcd 5713, 5718 (1987) ("*Part 21 Revision*"), we established a one-step licensing process for Part 21 applicants. Under one-step licensing, an applicant receives

a conditional license upon grant of its application. Upon construction completion, a certification of completion of construction (FCC Form 494A) is filed by the conditional licensee. Although we eliminated the requirement that Part 21 applicants obtain construction permits prior to commencing construction of proposed facilities, we retained the requirement that an applicant must obtain authorization prior to construction. At the time we adopted one-step licensing, we were unconvinced that allowing construction of facilities prior to grant of an authorization would be in the public interest. We believed that pre-construction authorization had worked well and did not impose substantial costs on applicants. *Id.* at 5718. However, with the continuing diversity of the telecommunications industry in the time since the *Part 21 Revision*, and the continuing growth in the use of telecommunications services, the public is demanding a wider range of microwave radio services and swifter delivery of those services by PPMS applicants. Often, construction of PPMS facilities must be coordinated with construction projects for cellular, satellite, or other telecommunications services. Unnecessary delays in the commencement of construction of facilities can occur under the current rules which can have a substantial impact on construction costs for PPMS applicants and ultimately for the public. These delays may hinder the ability of PPMS providers to compete to satisfy certain requirements. The revised rule we propose in this proceeding may reduce construction costs for PPMS applicants and improve their competitiveness by allowing them greater flexibility in coordinating and consolidating construction projects.

4. The *Part 21 Revision* further reasoned that problems involving frequency conflicts would be more difficult to resolve after an investment of construction costs if construction of facilities prior to grant was permitted. *Id.* at 5718. While this concern may remain for some Part 21 services, we believe greater flexibility is possible for PPMS applicants. We note that in the PPMS, highly directional antennas allow PPMS licensees to use the same frequency several times over in a single geographic area, making prior frequency coordination essential to avoiding frequency conflicts. Accordingly, PPMS applicants are required to complete the full notice and response steps of the prior frequency coordination procedures prior to filing FCC Form 494 (Application for a New or Modified Microwave Radio Station License), pursuant to Section 21.100(d) of the Rules. Our experience has been that few frequency coordination conflicts arise among PPMS applicants and those that do arise are virtually all resolved through the mutual cooperation of the parties before the application is filed and with minimal intervention by the Commission. Thus, while we are acutely aware of the importance of preserving the integrity of the frequency coordination process, we do not believe that allowing pre-authorization construction by PPMS applicants will result in any significant increase in the number of unresolved frequency conflicts. In light of the foregoing, we tentatively conclude that permitting PPMS applicants to construct proposed facilities prior to the grant of an authorization is in the public interest.

5. *Eligibility.* Accordingly, we propose to permit PPMS applicants to commence construction of proposed facilities upon filing FCC Form 494. An applicant engaging in pre-authorization construction would assume the risk that its application would not ultimately be granted, or that the Commission may order its proposed facilities altered, relocated, or dismantled should such action prove necessary.

In order to minimize that risk, only those applications which raise no special issues or otherwise are eligible for routine grant would be permitted to engage in construction prior to authorization. Accordingly, the proposed rules would permit a PPMS applicant to engage in construction upon filing FCC Form 494, unless its application:

- (1) is mutually exclusive with a previously filed application or has a petition to deny filed against it;
- (2) requests a waiver of a Commission rule pursuant to §21.19 of the rules;
- (3) is returned as unacceptable for filing pursuant to § 21.20;
- (4) where required (and not exempted under §17.14 of the rules), has not filed a notice of proposed construction with the FAA and received a determination from the FAA that the proposed antenna structure would pose no hazard to aviation, and has not received a determination from the Commission as to any required antenna structure marking and lighting specifications;
- (5) has not: (A) considered whether the proposed facility may have a significant effect upon the environment pursuant to §§ 1.1301 through 1.1319 of the rules; (B) determined that the proposed facility will not have such an effect; and (C) indicated this determination on FCC Form 494;
- (6) the proposed facility is within 56.3 kilometers (35 miles) of the U.S.-Canadian or U.S.-Mexican border, or is otherwise subject to a treaty or agreement between the United States and Canada or between the United States and Mexico regarding frequency coordination, or both.

6. These conditions mirror those imposed upon applicants in other services where preauthorization construction is allowed. *See, e.g., Report and Order, 4 FCC Rcd 5960 (1989)(amendment of Part 22 of the Rules to allow construction prior to authorization subject to certain conditions); and 47 C.F.R. § 22.43(d)(2).* Moreover, the proposed conditions reflect those circumstances most likely to extend the time needed to process a PPMS application. Two of the conditions merely reiterate existing requirements for Part 21 applicants. For example, Section §21.3(c) of the Rules requires that applicants determine the environmental impact of the proposed facilities before construction of a station is initiated. We propose that the applicant may not construct prior to receiving an authorization if the applicant determines that the facility may have a significant environmental effect. *See also 47 C.F.R. § 1.1312.* Similarly, Part 21 applicants are required to comply with Part 17 of the rules concerning the construction, marking, and lighting of antenna structures prior to initiation of construction, in order to ensure that such structures do not constitute a hazard to air navigation. *See § 21.15(d).*

7. *Modifications.* We invite comment as to whether PPMS applicants seeking modification of existing licenses pursuant to §§ 21.40 and 21.41 of our rules should similarly be permitted to begin construction prior to grant of the modification, subject to the same restrictions and conditions applicable to pre-authorization construction for initial PPMS applications.

8. *Defective Applications.* As provided in the conditions set forth above and in Section 21.20 of our rules, if an application is returned as unacceptable for filing, the applicant would not receive an authorization and would be required to halt construction of its station. Under the proposal, the applicant would also assume the risk for other defects, such as the antenna height being higher or lower than authorized, that may result in the tower having to be moved.

9. We recognize that there may be some situations not contemplated by this new rule where commencement of construction should not occur. Therefore, we propose that the Commission order that construction not commence or continue if the public interest justifies such action. *See Appendix A, proposed rule §21.43(b)(2)(ii).* We intend that this subsection only be used in cases where there is a likelihood that the constructed facility, if completed or operated, would violate the Communication Act or our rules or where it becomes evident for any reason that the authorization may not be granted. The order to cease construction activities would continue until we act on the application. We believe this additional safeguard will prevent any unanticipated problems which could arise under the new rule. Such circumstances would include instances in which an application is filed which is mutually exclusive with a previously filed application whose proposed facilities are being constructed prior to authorization. Where an applicant is served with a petition to deny, however, we would expect the applicant to halt preauthorization construction until the petition is resolved.

10. We emphasize that our proposed action does not change the requirement that PPMS applicants obtain grant of an authorization before beginning operation of facilities and we have included language in the proposed rules to clarify that point. *See Appendix B, proposed rule § 21.43(b)(5).* We note that any petition to deny an application must be resolved prior to grant of an authorization. *See 47 U.S.C. § 309(d).*

11. *McCaw Petition.* The petition filed by McCaw Cellular Communications seeks revision of Sections 21.707 and 21.708, which set forth procedures for obtaining an authorization to construct and operate facilities at temporary-fixed locations. Under those procedures, PPMS applicants may commence construction and operation for a period of less than 6 months upon at least 5 days' notice to the Commission, provided that prior frequency coordination is completed and that certain other conditions are met. 47 C.F.R. §§ 21.707 and 21.708. McCaw proposes that these sections be modified to permit PPMS applicants to use these temporary authorization procedures to obtain permanent authorization for PPMS facilities. Specifically, McCaw proposes that PPMS applicants either commence construction and operation under temporary-fixed authorization procedures, under which circumstances the applicant would be required to file FCC Form 494 within 30 days of the expiration of the 6 month period (or 5 months after commencement of operations), or commence construction and operation upon filing FCC Form 494. Under either procedure, a PPMS applicant would notify the Commission that it is seeking a permanent authorization at the expiration of a 6 month period of temporary operations. McCaw contends that its proposal is in the public interest because it would allow PPMS applicants to coordinate construction projects with those of other telecommunications services. This new flexibility would permit more eco-

nomical and efficient use of an applicant's resources, and would permit applicants to provide service more promptly to the public.

12. In support of its proposed revision, McCaw cites several instances in which the Commission has permitted construction of facilities prior to grant of an authorization. See *Amendment of Part 22 of the Commission's Rules to Allow Public Mobile Service Applicants to Commence Construction After Filing FCC Form 401, but Prior to Receiving an Authorization* ("Part 22 Revision"), 4 FCC Rcd 5960 (1989); *Amendment of Part 90 of the Commission's Rules to Implement a Conditional Authorization Procedure for Proposed Private Land Mobile Radio Service Stations* ("Part 90 Revision"), 4 FCC Rcd 8280 (1989); *Amendment of Part 25 of the Commission's Rules and Regulations to Reduce Alien Carrier Interference Between Fixed-Satellites at Reduced Orbital Spacings and to Revise Application Processing Procedures for Satellite Communications Services* ("Part 25 Revision"), 6 FCC Rcd 2806 (1991). These revisions generally accomplish the goal of the instant rulemaking proceeding, in that they permit applicants to begin construction prior to grant of a license to operate. Of the revisions cited, however, only the Part 90 revision permits applicants to operate prior to grant of a permanent authorization. Part 90 applicants may operate under a conditional authorization upon certification that the proposed facilities meet several specified conditions, similar to those proposed in this rulemaking. *Part 90 Revision* at 8280. In contrast to Part 90 applications, however, common carrier fixed point-to-point microwave applications are subject to § 309 of the Act, which imposes a 30 day public notice and comment period on applications for permanent authorizations, and limits temporary authorizations to extraordinary circumstances for a period not to exceed 180 days. 47 U.S.C. § 309(f).

13. While we recognize that frequency conflicts and other issues are often resolved by PPMS applicants with minimal Commission intervention, at this time we cannot conclude that such matters are sufficiently routine to permit applicants to go forward with operations prior to the expiration of a public notice and comment period or prior to the grant of an authorization. Comments filed in response to the McCaw petition persuade us that the ultimate goal of the McCaw proposal, expedited delivery of PPMS to the public, would be better served where staff processing and the initial notice and comment period take place prior to the commencement of operations.

14. PPMS applicants may now operate facilities prior to grant of a permanent authorization by requesting Special Temporary Authorization where the applicant can show that there are extraordinary circumstances requiring operation in the public interest and that delay would seriously prejudice the public interest. 47 U.S.C. § 309(f); 47 C.F.R. 21.25. As noted in McCaw's proposal, PPMS rules also accommodate applicants whose need for PPMS service is sufficiently limited to require only temporary authorization (less than 180 days). 47 U.S.C. § 309(f); 47 C.F.R. §§ 21.707 and 21.708. Nevertheless, PPMS applications are generally not appropriate for preauthorization operation due to the complex nature of the PPMS and the potential for unacceptable frequency interference. As pointed out in comments by the Spectrum Managers Association, because the PPMS allows use of the same frequency several times over in the same geographic area, PPMS users rely upon the public notice and comment period to verify that the prior coordinated frequencies are indeed the frequencies

identified on the subject application. Under the McCaw proposal, other users of the spectrum allocated to PPMS would be able to compare prior coordinated frequencies with those requested in the application only after an applicant has commenced operations of proposed facilities; those users may wait as long as five months before the application appears on public notice. Parties wishing to oppose grant of an authorization for facilities proposed in the PPMS would similarly be obliged to wait as long as five months (when an application for permanent authorization of temporary facilities appears on public notice) before filing petitions alleging harmful interference or other problems with operating the proposed facilities. In view of concerns expressed in response to the McCaw proceeding regarding frequency coordination, we tentatively conclude that our proposal to eliminate the preconstruction authorization requirement for PPMS addresses the ultimate goal of the McCaw petition -- expedited delivery of PPMS -- without undue infringement on the integrity of the frequency coordination process and without otherwise compromising PPMS. We request comment on our tentative conclusion.

15. *FCC Form 494A*. We also propose in this proceeding to eliminate FCC Form 494A (Certification of Completion of Construction) for PPMS applicants and the requirement that PPMS applicants notify the Commission upon completion of construction of proposed facilities. Accordingly, the new rules would permit a PPMS applicant to commence operations following grant of a conditional license or other authorization, without further notification to the Commission. This reporting requirement would also be eliminated for modifications to PPMS facilities under Sections 21.40 and 21.41 of our rules. 47 C.F.R. §§ 21.40 and 21.41.

16. FCC Form 494A is currently used to notify the Commission of construction completion of construction or modifications of facilities and the date of expected commencement of operations. FCC Form 494A was created to serve as a means to inform the Commission and others that a microwave station is operational and has not been abandoned. *Notice of Proposed Rulemaking in the Matter of Revision of Part 21 of the Commission's Rules*, 104 FCC 2d 116, 119 (1986). We have not found the information reported on FCC Form 494A to be essential for processing PPMS applications, and we have observed few instances in which construction of PPMS facilities was completed at variance with the original proposal or the proposal as modified. Moreover, it appears that existing rules provide sufficient enforcement mechanisms against applicants who do not construct or operate their facilities consistent with their authorizations. For example, Commission rules provide that a license will be automatically forfeited if construction is not completed by the date specified in the license as the termination date of the construction period. 47 C.F.R. §§ 21.43(a) and 21.44. In addition, a frequency authorization may be cancelled or deleted from a license for failure to render service as authorized during a consecutive period of twelve months at any time after completion of construction or if removal of equipment or facilities has rendered the station not operational. 47 C.F.R. § 21.303(d). As currently required under our rules, 47 C.F.R. § 21.43, the applicant would file for an extension (FCC Form 701) or submit its license for cancellation if construction were not completed by the end of the conditional license term. Notwithstanding these safeguards against an applicant's failure to construct, it is possible that the elimination of FCC Form 494A could leave the public without

adequate notice of which facilities have actually been constructed, or could result in the warehousing of frequencies through failure to construct facilities or submit unused frequencies for cancellation. In light of these considerations, we request comment on whether the use of FCC Form 494A should be eliminated for PPMS applicants.

17. Consistent with the elimination of Form 494A, we propose to reduce the construction period for PPMS conditional licensees from eighteen (18) months to six (6) months. This change should not significantly affect PPMS applicants since most complete construction within a few months of grant of an authorization, and is appropriate in light of our proposal to permit PPMS applicants to begin construction prior to grant of an authorization. We expect that there would be few instances in which extensions of time to construct would be required given PPMS applicants' expressed need for swift delivery of service to the public.

18. *FCC Form 430.* We propose to eliminate the requirement that Part 21 applicants use FCC Form 430 to report licensee qualification information. Part 21 applicants would no longer file FCC Form 430, but would instead report licensee qualification information on FCC Form 494 (Application for New or Modified Microwave Radio Station License under Part 21), or in a letter to the Commission if there have been no changes in any required information. We propose to revise FCC Form 494 to incorporate licensee qualification information. *See Appendix D.*

19. *FCC Forms 702 and 704.* We propose to streamline reporting requirements related to assignments or transfers of control of Part 21 licenses by combining FCC Form 702 (Application for Consent to Assignment of Radio Station Construction Authorization or License) and FCC Form 704 (Application for Consent to Transfer of Control). A new Form 705 would be used to report information currently requested on FCC Forms 702 and 704. *See Appendix D.* The new FCC Form 705 will eliminate currently duplicative reporting requirements and reduce staff inquiries on the use of the two forms. We further propose to extend the period for consummating assignments or transfers of control to 60 days from the current 45 days after Commission authorization, consistent with the time allocated for such consummations by other services which use FCC Forms 702 and 704.

20. Finally, we request comments on how the FCC rules and forms should be modified to reflect the proposed rule change. The comments should take into account that the Commission must also consider appropriate adjustments in fee schedules consistent with changes in FCC forms and reporting requirements.

#### CONCLUSION

21. This rulemaking is proposed to allow PPMS applicants to respond more efficiently to increased demands for rapid delivery of service, and to help promote greater efficiency consistent with our goals of increasing efficient spectrum allocation and utilization and the elimination of unnecessary regulations. The proposed rules would enable PPMS applicants engaging in pre-authorization construction to more effectively coordinate and consolidate their construction projects with those of other microwave radio services. Moreover, the proposed rules should reduce burdens on the staff as well as the public by eliminating the confusion and duplication now associated with filing separate forms to report the information requested on FCC

Forms 702 and 704. Finally, the elimination of the specified reporting requirements will reduce the filing burden on all PPMS and Part 21 applicants.

#### OTHER MATTERS

22. *Ex Parte Presentations.* This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. *See generally* 47 C.F.R. Sections 1.1202, 1.1203, and 1.1206(a).

23. *Regulatory Flexibility Act Initial Analysis.* As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA, on which written public comments are requested, is set forth in Appendix B. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis.

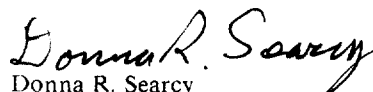
24. The Secretary shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq* (1981).

25. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before March 16, 1993, and reply comments on or before April 16, 1993. To file formally in this proceeding, you must file any original and five copies of all comments, reply comments, and supporting documents. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 1919 M St. N.W., Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

#### ORDERING CLAUSES

Accordingly, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303, that there is ISSUED A NOTICE OF PROPOSED RULEMAKING as hereby provided above.

FEDERAL COMMUNICATIONS COMMISSION

  
Donna R. Searcy  
Secretary

## APPENDIX A

## Proposed Rule Section

Part 21 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 21 continues to read as follows:

**AUTHORITY** Secs. 1, 2, 4, 201-205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 410, 602; 48 Stat. as amended, 1064, 1066, 1070-1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201-205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552.

2. Section 21.7 is revised to read:

§ 21.7 Standard application form for domestic public fixed radio service licenses.

FCC Form 494 ("Application for a New and Modified Microwave Radio Station License under Part 21") must be submitted and a license granted for each station prior to commencement of any proposed station construction, except as otherwise provided in § 21.43(c). FCC Form 494 also must be submitted to amend any license application, to modify any license pursuant to §§ 21.40(a) and 21.41, to notify the Commission of modifications made pursuant to § 21.42, to delete licensed facilities, and to notify the Commission of any changes in licensee qualification information.

3. Section 21.11 is revised to read:

**§ 21.11 Miscellaneous forms shared by all domestic public radio services.**

(a) *Licensee qualifications.* FCC Form 494 ("Application for New or Modified Microwave Radio Application") must be filed to notify the Commission of any changes in licensee qualification information within 30 days of the change.

(b) \*\*\*

(c) \*\*\*

(d) *Assignment of license.* FCC Form 705 ("Application for Consent to Assignment or for Transfer of Control of Radio Station Construction Authorization or License"), must be submitted to assign voluntarily (for example, contract) or involuntarily (for example, death, bankruptcy, or legal disability) the station authorization. In the case of involuntary assignment, the application must be filed within 10 days of the event causing the assignment. FCC Form 705 must also be used for non-substantial (*pro forma*) assignments. Whenever a group of station licenses in the same radio service is to be assigned to a single assignee, a single "blanket" application may be filed to cover the entire group, if the application identifies each station by call sign and station location and if two copies are provided for each station affected. The assignment must be completed within 60 days from the date of authorization. Upon consummation of an approved assignment, the Commission must be notified by letter of the date of consummation within 10 days of its occurrence.

(e) \*\*\*

(f) *Transfer of control of corporation holding an authorization or license.* FCC Form 705 ("Application for Consent to Assignment or for Transfer of Control of Radio Station Construction Authorization or License"), must be submitted in order to voluntarily or involuntarily transfer control (*de jure* or *de facto*) of a corporation holding any construc-

tion authorizations or licenses. In the case of involuntary transfer of control, the application must be filed within 10 days of the event causing the transfer of control. FCC Form 705 must also be used for non-substantial (*pro forma*) transfers of control. The transfer must be completed within 60 days from the date of authorization. Upon consummation of an approved transfer, the Commission must be notified by letter of the date of consummation within 10 days of its occurrence.

4. Section 21.43 is revised to read:

**Section 21.43. Period of construction.**

(a) Each license for a radio station for the services included in this Part shall specify as a condition therein the period during which construction of facilities must be completed and the station made ready for operation. Construction may not commence until the grant of a license, except as otherwise provided in this section, and must be completed by the date specified in the license as the termination date of the construction period. Except as may be limited by §21.45(b) or otherwise determined by the Commission for any particular application, the following will be the maximum construction periods for each service:

(1) For stations in the Digital Electronic Message Service, a maximum of 18 months from the date of the license grant.

(2) For stations in the Point-to-Point Microwave Radio Service, a maximum of 6 months from the date of the license grant.

(3) For all other stations licensed under this Part, a maximum of 12 months from the date of the license grant.

(b) Each license for a radio station for the services included in this part, except licenses for radio stations in the Point-to-Point Microwave Radio Service, shall also specify as a condition therein that upon the completion of construction, each licensee must file with the Commission a certification of completion of construction using FCC Form 494A, certifying that the facilities as authorized have been completed and that the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation.

(c) *Commencing construction prior to grant of a radio station authorization.*

(1) *Scope.* Section 21.43(c) applies to all Point-to-Point Microwave Radio Service (PPMS) applicants as defined in §21.2, including:

(i) Applicants for an initial station authorization in the PPMS;

(ii) Applicants for facility modifications in the PPMS, pursuant to §§21.40 and 21.41 this Part;

(iii) Applicants to amend pending initial applications in the PPMS.

(2)(i) *General rule.* After the applicant has filed a Form 494 with the Commission, provided that the requirements of paragraph (c)(3) have been met, the applicant may commence construction.

(ii) Notwithstanding any provision of paragraph(c), if the Commission for any reason determines that construction should not commence or should be terminated pending the grant of an authorization, the

applicant must immediately cease construction upon notification from the Commission. Notification may be made in writing or orally followed with a written confirmation. The Commission, at its discretion, may allow recommencement of construction after it determines, in writing, the reason for making such notification no longer exists.

(3) *Conditions.* An applicant may not commence or continue construction prior to the grant of an authorization as long as any of the following conditions persist:

(i) The application is mutually exclusive with a previously filed application or authorized station, or a petition to deny has been filed against the application;

(ii) The applicant requests a waiver of a Commission rule pursuant to §21.19 of this Part;

(iii) The application is returned as unacceptable for filing pursuant to § 21.20 of this Part;

(iv) The applicant, where required (and not exempted under §17.14 of this Chapter), has not filed a notice of proposed construction with the FAA and received a determination from the FAA that the proposed antenna structure would pose no hazard to aviation, and has not received a determination from the Commission as to any required antenna structure marking and lighting specifications;

(v) The applicant has not taken all of the following steps: (A) considered whether the proposed facility may have a significant environmental effect pursuant to §§ 1.1301 through 1.1319 of Part 1; (B) determined that the proposed facility will not have such an effect; and (C) indicated this determination on the Form 494;

(vi) The proposed facility is within 56.3 kilometers (35 miles) of the U.S.-Canadian or U.S.-Mexican border, or is otherwise subject to a treaty or agreement between the United States and Canada or the United States and Mexico regarding frequency coordination, or both.

(4) Applicants who commence construction, prior to receiving an authorization pursuant to this paragraph (c), assume the risk of and have no recourse against the United States on account of:

- (i) not receiving an authorization;
- (ii) errors and time lags in the public notice system;
- (iii) having to alter, relocate or dismantle the facility; and
- (iv) incurring whatever costs may be necessary to bring the facility into compliance with applicable laws and regulations.

(5) Applicants constructing facilities without prior Commission authorization pursuant to paragraph (c) must not commence operating such facilities until after the Commission grants an authorization.

## APPENDIX B

### INITIAL REGULATORY FLEXIBILITY ANALYSIS

#### Reasons for Action:

The Commission is proposing to remove the requirement that PPMS applicants receive an authorization prior to the construction of facilities.

#### Objectives:

The objective of this proposal is to give applicants greater flexibility in scheduling construction and enable licensees to begin providing service to the public more quickly. The proposed rule may also result in reduced costs for both the licensees and the public. The rule would also help further the Commission's goal of eliminating unnecessary regulation.

#### Legal Basis:

The proposed action is authorized under Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303.

#### Reporting, Recordkeeping and other Compliance Requirements:

None.

#### Federal Rules which Overlap, Duplicate or Conflict with these Rules:

None.

#### Description, potential impact and number of small entities involved:

This Notice of Proposed Rulemaking will have a minimum impact on small entities by providing them with increased flexibility in the scheduling and consolidation of construction projects thereby reducing construction costs and expediting the initiation of service to the public by Point-to-Point Microwave Radio Service licensees.

#### Any significant alternative minimizing impact on small entities and consistent with stated objectives:

None.

## APPENDIX C

### McCaw Cellular Communications

#### Petition for Rulemaking, RM No. 7861

#### Comments

Advanced Telecommunications Corporation  
 American Telephone and Telegraph Company  
 Cellular Telecommunications Industry Association  
 Centel Cellular Company  
 Digital Microwave Corporation  
 IDB Communications Group, Inc.  
 GTE Service Corporation

Harris Corporation - Farinon Division  
Local Area Telecommunications, Inc.  
National Spectrum Managers Association, Inc.  
Nynex Mobile Communications Company  
OCOM Corporation  
Pacific Telesis Group  
Western Tele-Communications, Inc.  
U.S. West Newvector Group

**Reply Comments**

McCaw Cellular Communications  
National Spectrum Managers Association  
Southwestern Bell Telephone Company

## Instructions for Completion of FCC 494 Form

## APPLICATION FOR NEW OR MODIFIED MICROWAVE RADIO STATION LICENSE UNDER PART 21

## General Information and Instructions

A. FCC Form 494 is to be used to:

- (1) Apply for a license for a new radio station;
- (2) Amend a pending license application;
- (3) Modify a granted license pursuant to Section 21.40 or 21.41 of the Commission's Rules; and
- (4) Notify the Commission of modifications of a radio station made pursuant to Section 21.42 of the Commission's Rules.

FCC Form 494 consists of two sections: Section I is the fee portion; Section II is the application portion.

B. Before this application is prepared, the applicant should refer to Parts 1 and 21 of the Rules and Regulations of the Commission, (Title 47, Code of Federal Regulations (CFR), Parts 1 and 21), copies of which may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Part 21 may require information to be filed with an application in addition to that specified in the application form. Applicant should make every effort to file a complete application in compliance with the Rules. Failure to do so can result in rejection or return of the application or a delay in the processing of the application.

C. Except as noted below, reference to information already on file with the Commission can be made where the documents or information required to be filed as exhibits are already on file with the Commission. References to station files or applications should include call signs and file numbers, and references to docketed proceedings should include the title of the proceeding and the docket number. All information so referenced must be current and accurate as of the date of filing. References to information on file shall not be made for items 1 through 10 or those other items which require only a brief answer to be entered on the form itself. See 47 CFR Section 1.65 for updating requirements.

D. Information filed with the Commission must be kept current. The applicant should notify the Commission regarding any material change in the facts as they appear

in the application.

E. All entries on the form shall be typed or legibly printed in ink. A separate application must be submitted for each radio station in each service or class of station. Submit an original and one copy of the application (SIGN ORIGINAL COPY ONLY). Nonfeeable applications may be sent directly to the Federal Communications Commission, Washington, DC 20554-1600. See instruction F below for applications subject to fees.

## F. Instructions for Completing Section I (Fee Portion)

Part I must be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Part II. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

1. "Applicant Name" - Enter the name (last, first, middle initial) of the applicant. If company, enter name which is used commercially.

2. "Mailing Address (Line 1)" - Enter the street address or post office box number to which the applicant wishes correspondence sent.

3. "Mailing Address (Line 2)" - This line may be used for further identification of the address if additional space is required.

4. "City" - Enter the name of the city associated with the given street address.

5. "State or Country" - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.

6. "ZIP Code" - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.

7. "Call Sign or Other FCC Identifier" - Enter an applicable call sign or unique FCC Identifier, if any, as shown on your attached application. If applying for service affecting more than one call sign, enter one call sign only.

8. Column (A), "Fee Type Code" - Enter correct Fee Type Code(s) from the Common Carrier Services Fee Filing Guide. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to



you without further processing.

9. Column (B), "Fee Multiple" - Your submission may request action with respect to more than one station, license, frequency or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Refer to the Common Carrier Services Fee Filing Guide for additional information.

10. Column (C), "Fee Due for Fee Type Code in Column (A)" - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).

11. "Total Amount Remitted With This Application or Filing" - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

#### How to Submit Applications

An original and one copy of completed application must be submitted. Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission or will result in return of the application without action.

#### Mailing Instructions

Completed applications should be mailed to the proper address as shown in the Common Carrier Services Fee Filing Guide. Applications which are properly addressed to the appropriate P.O. Box number may also be hand delivered to the following address: **Federal Communications Commission, c/o Mellon Bank, Three Mellon Bank Center, 535 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, Pennsylvania, (Attention: Wholesale Lockbox Shift Supervisor).**

Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day. A single check, bank draft or money order made payable to the **FEDERAL COMMUNICATIONS COMMISSION** and denominated in U.S. dollars and drawn upon a U.S.

financial institution must be included with each application requiring a fee. No postdated, altered or third-party checks will be accepted. **DO NOT SEND CASH.**

#### G. Specific Instructions for Completing Section II (Application Portion)

See instruction (H) below, "Special Instructions for Passive Facilities if a passive reflector or passive repeater is involved in the applicant's proposal.

See instruction (I) below, "Special Instructions for Block Assignments," if the applicant's proposal involves a range of frequencies for general use in a specified geographical area.

See instruction (J) below, "Special Instructions for Modification of Conditional License," if the applicant proposes to modify a conditional license.

If more space is needed than is allocated in items 7 through 10, the applicant should use as many copies of page 1 of this form as are needed to contain the data.

Item 1. Name of applicant should be the same as reported in FCC Form 430, "Licensee Qualification Report," or as reported previously in Item 29. The address listed may vary from that reported previously if the address of the corporate officer, or other employee authorized to certify this application, differs from that of the applicant's principal office.

Item 3. The following codes should be used:

(a) Service applied for (use one code only):

CF - Point-to-Point Microwave Radio Service  
CM - Multipoint Distribution Service  
CT - Local Television Transmission Service  
CE - Digital Electronic Message Service  
CZ - Fixed Subsidiary Communications Authorization (Fixed SCA)

(b) Type of Use (use one or more codes as applicable):

TE - Message/Private Line/Data (telephone carriers)

- SC - Message/Private Line/Data (other carriers)
- CA - Television relay for CATV systems
- TV - Television relay for other than CATV use
- OW - Order wire and alarm

(c) Class of Station (use one code only):

- BFX - Booster Station, Fixed (MDS)
- FX - Fixed
- TF - Temporary Fixed
- MO - Mobile (TV Pickup)
- DFX - Developmental (Fixed)
- DTF - Developmental (Temporary Fixed)
- DMO - Developmental (Mobile TV Pickup)

(d) Nature of application (use one or more codes as applicable):

- NS - Construct new transmit station (If this code is used, no other code is necessary, except PR where applicable.)
- AP - Add new point of communication (If this code is used, codes AF, AT and AA are not needed to indicate the addition of those facilities needed to communicate with the new point of communication.)
- CL - Change location of transmit station or MDS booster (If transmit station name (item 7(a)) is changed, code CN must also be used.)
- LR - Change location of receive station or passive facility
- AF - Add frequency
- PR - Construct passive reflector or passive repeater
- PS - Power split of previously authorized transmitter(s)
- AT - Add transmitter
- RT - Replace transmitter (If this code is used, it is not necessary to use codes CE, DP and IP to indicate changes in emission designator or power output/EIRP resulting from the change of transmitter.)
- CC - Correct transmit station coordinates
- RC - Correct coordinates of receive-only station or passive facility
- CE - Change emission designator
- CF - Change frequency
- CX - Change polarization
- DP - Decrease power
- IP - Increase power
- IX - Increase transmit antenna structure height
- IR - Increase receive-only antenna structure height
- DX - Decrease transmit antenna structure height
- DR - Decrease receive-only antenna structure height
- AA - Add antenna
- MA - Move antenna
- RA - Replace antenna
- CN - Change name of transmit station
- OT - Other changes (Explain in response to item 21.)

Item 4. For Point-to-Point and Digital Electronic Message Services only, multiple applications may be submitted as a set. If so, the applications must be arranged in some logical order by the applicant and each application assigned a number in consecutive order beginning with the number "1". The number "1" application

is the lead application and should contain all the general information regarding the overall proposal. Therefore, after the item is answered in the lead application for all of the applications in the set, applicants do not have to answer on the other applications in that particular set, items 20, 21, 22, 23, 24, 25, 26 and 27.

- Item 5. Give the estimated time in months after grant date needed to complete the construction proposed in this application.
- Item 6. See paragraph (J) "Special Instructions for Modification of Conditional License."
- Item 7. Transmit Station Information:

- (a) Station name - If an authorized station, give the name appearing on an FCC authorization. If a new station is proposed, give it a name which relates the station to its location. The name of a city, statistical area, town, prominent geographical feature (e.g., "Bald Mtn"), etc., may be used. The name should be abbreviated, if necessary, without punctuation, so as not to exceed 11 characters.
- (b) Street - Street address or distance and direction from town shown in (c).
- (c) City - If not in a city or town, insert the name of the nearest identifiable community.
- (d) State (or territory) - Use the following two-letter abbreviations specified by the U.S. Postal Service:

Alabama . . . . .	AL	Missouri . . . . .	MO
Alaska . . . . .	AK	Montana . . . . .	MT
Arizona . . . . .	AZ	Nebraska . . . . .	NE
Arkansas . . . . .	AR	Nevada . . . . .	NV
California . . . . .	CA	New Hampshire . .	NH
Canal Zone . . . . .	CZ	New Jersey . . . .	NJ
Colorado . . . . .	CO	New Mexico . . . .	NM
Connecticut . . . .	CT	New York . . . . .	NY
Delaware . . . . .	DE	North Carolina . .	NC
District of Columbia . . . .	DC	North Dakota . . .	ND
Florida . . . . .	FL	Ohio . . . . .	OH
Georgia . . . . .	GA	Oklahoma . . . . .	OK
Guam . . . . .	GU	Oregon . . . . .	OR
Hawaii . . . . .	HI	Pennsylvania . . .	PA
Idaho . . . . .	ID	Puerto Rico . . . .	PR
Illinois . . . . .	IL	Rhode Island . . .	RI
Indiana . . . . .	IN	South Carolina . .	SC
Iowa . . . . .	IA	South Dakota . . .	SD
Kansas . . . . .	KS	Tennessee . . . . .	TN
Kentucky . . . . .	KY	Texas . . . . .	TX
Louisiana . . . . .	LA	Utah . . . . .	UT
Maine . . . . .	ME	Vermont . . . . .	VT
Maryland . . . . .	MD	Virginia . . . . .	VA
Massachusetts . . .	MA	Virgin Islands . .	VI
Michigan . . . . .	MI	Washington . . . .	WA
Minnesota . . . . .	MN	West Virginia . . .	WV
Mississippi . . . . .	MS	Wisconsin . . . . .	WI
		Wyoming . . . . .	WY

Use the following abbreviations for stations located offshore:

Atlantic Ocean . . . . .	AO
Gulf of Mexico . . . . .	GM
Pacific Ocean . . . . .	PO

- (e) **County - Name of county.** A county is considered to be the first order subdivision of each state or territory regardless of their local designations (eg., parish, borough, district, etc.). Independent cities and Washington, D.C. are considered as county equivalents. (Must use spelling as appears in *FIPS PUB 6-4, Counties and Equivalent Entities of the U.S., Its Possessions and Associated Areas* (Aug. 31, 1990), which is published by Federal Information Processing Standards (FIPS), National Computer Systems Laboratory, National Bureau of Standards, Department of Commerce.
- (f) **Antenna structure height -** The height in feet and meters of the antenna structure above ground level including building or similar structure (if any), tower, mast, pole, pipe, obstruction lights, lightning rods, or transmit or receive antennas, and any additions to an existing antenna structure.
- (g) **Building height -** Height in feet and meters above ground to the highest part of building (roof, penthouse, vent, chimney, railings, stacks, etc.). If antenna structure is not mounted on a building or similar structure, leave this space blank.
- (h) **Ground elevation -** The elevation of the ground beneath the antenna in feet and meters above mean sea level.
- (i) **Service area -** This should be answered only for applications involving the Multipoint Distribution Service, Digital Electronic Message Service, temporary fixed facilities, Mobile-TV Pickup facilities, or a rectangular service area. Give the name of the major city, town, statistical area or other geographic area where service is to be provided, unless it is a statistical area where you must give first name of statistical area for Multi-channel MDS applications.
- (j) **Latitude and (k) Longitude -** Geographical coordinates should be given in degrees, minutes and seconds and should be rounded off to the nearest second.

**Item 8. Frequency Path Information:**

This item should be filled out in the following instances:

- (1) *For the addition of a new frequency path*, place an "A" in column (n). Insert appropriate data in all columns on that line.
- (2) *For the modification of a licensed frequency path*, insert an "M" in column (n). Columns (a) and (c) must be answered to identify the frequency path involved, and only the new or revised data inserted in the appropriate columns. If an antenna is being replaced or the height of the antenna is being changed, use only one line entry containing one frequency which is presently licensed to use the antenna involved. However, if a change in antenna height will change the line loss previously submitted, it will be necessary to show all frequencies affected and insert the new line loss figure in column (e). If a frequency or polarization is being changed, it will be necessary to treat the change as a deletion of the old frequency path and the addition of a new frequency path.
- (3) *For the deletion of a licensed frequency path*, answer columns (a) and (c) and insert a "D" in column (n).
- (a) **Frequency and polarization -** Give the carrier frequency in MHz on which the transmitter will operate. The frequency should be followed by one of the following codes to indicate the type of polarization:
  - H - horizontal polarization
  - V - vertical polarization
  - R - polarization 45° clockwise from vertical as seen when looking from transmit antenna toward receive antenna
  - L - polarization 45° counterclockwise from vertical as seen when looking from transmit antenna toward receive antenna
- (b) **Transmitter number -** See instruction for item 10(a). Insert the number from item 10(a) which identifies the transmitter operating on the frequency in item 8(a).
- (c) **Receive station name -** See instruction for item 9(a). Insert the name from item 9(a) which identifies the receive station or passive facility. If this is an existing or authorized facility, it must be identified by the name appearing on the FCC authorization.
- (d) **Operation code -** Use one of the following codes to indicate the transmitter configuration for the frequency in item 8(a) (if no code applies, leave this item blank):
  - PS - Power split
  - HS - Hot standby
  - PC - Protected configuration (phase-locked transmitters)
  - PH - Power split, hot standby
  - PP - Power split, protected configuration
  - CS - Cold standby
  - XX - To remove existing operational code configuration
- (e) **Line loss -** Give the approximate attenuation, including any padding, to the nearest dB, between the point at which the power output of the transmitter is measured for type-acceptance/modification approval and the input to the antenna. If this figure is less than 1 dB, this item may be left blank. For power splits, the power reduction for a particular path will be considered line loss.
- (f) **Primary antenna code -** Use the FCC I.D. This code will represent the primary transmitting antenna. When a new or replacement antenna is proposed, a number between 1 and 99 should be assigned which will correspond to the antenna code in item 11(a).
- (g) **Primary antenna height -** The height in feet and meters (rounded to next highest foot and meter) above ground level of the center of radiation of the primary transmitting antenna.
- (h) **Diversity antenna code -** This is the code representing the diversity transmitting antenna. (Enter XXXXXX for removal of existing diversity antennas.)

- (i) Diversity antenna height - The height in feet and meters (rounded to the next highest foot) above ground level of the center of radiation of the diversity antenna.
- (j), (k), (l) and (m) - The instructions for these items are identical to those for the transmitting antennas at (f), (g), (h) and (i) except that these items are for the primary and diversity receiving antennas at the receiver station.
- (n) Action code - This column should contain an "A" (Add), "D" (Delete) or "M" (Modify).

#### Item 9. Receive Station Information:

If the information requested in this item has previously been supplied on an FCC 494 form, it need not be filled out except:

- (1) *For the addition of a new point of communications*, place an "A" in column 9(l).
- (2) *For the modification of license regarding a point of communications*, answer item 9(a), 9(b), 9(c), 9(d) and insert an "M" in column 9(l). Any data associated with this site which is to be modified should be placed in the appropriate column on the same line.
- (3) *For the relocation and change of name of a licensed receive facility*, identify the old receive facility name in column 9(a), complete 9(b), 9(c), 9(d), and insert a "D" in column 9(l), on the same line. The new name for the receive facility and its associated data must be placed on a separate line under item 9 and an "A" inserted in column 9(l). All frequency path information associated with this new point of communications should be inserted in item 8.
- (4) *For the deletion of a licensed receive facility*, identify the receive facility in column 9(a), complete 9(b), 9(c), 9(d), and place a "D" in column 9(l). Provide frequency and polarity and receive station name in items 8(a) and 8(c), and place a "D" in column 8(n).
- (a) Receive station name - Give the name of the receive station or receive facility. If a radio path includes a passive reflector or passive repeater, the name used here is that of the passive facility. Choose the name in the same manner as the transmit station name, item 7(a). As in item 7(a), the maximum name length is 11 characters.
- (b) State - See instruction for item 7(d).
- (c) Call sign - Insert the carrier microwave radio station call sign of the receive station, if any. Do not use the call sign of a station in any other radio service. If the receive station is a receive-only station for the transmit station in item 7, but is also a transmit station, give its call sign.
- (d) Type of facility - Indicate the type of facility that the receive facility represents by using one of the following codes:

TS - Transmit station  
 RO - Receive-only station  
 RF - Passive reflector  
 PR - Passive repeater (back-to-back parabolic antennas)

- (e) Path distance - Give the distance from the transmit station to the receive station (or passive facility) in kilometers rounded off to the nearest 1/10th kilometer.
- (f) Path Azimuth - Give the direction from the transmit station to the receive station (or passive facility) with respect to True North to the nearest 1/10th degree.
- (g) Latitude and (h) Longitude - Give the geographical coordinates of the receive station (or passive facility) in degrees, minutes and seconds (rounded off to the nearest second).
- (i), (j), and (k) - These instructions are identical to 7(h), 7(f), and 7(g) respectively, except that the data requested is for the receive facility.
- (l) Action code - Insert an "A" only in the case of a new receive station. Insert a "D" if the receive station and all communicating frequencies are to be deleted. Insert an "M" if data concerning a licensed receive facility is being modified.

#### Item 10. Transmitter Information:

If transmitters are being modified or replaced, they should be handled as deletions and additions of transmitters. All frequency paths associated with the added transmitters or power split transmitters should be identified in Item 8.

- (a) Transmitter number - Assign an identifying number (between 1 and 99) to each line entry and use this number in item 8(b) to identify the equipment operating on the frequency contained in item 8(a). A separate line entry should be made for each type of transmitter proposed.
- (b) Transmitter code - Use the last six characters (omit the hyphen) of the FCC Internal Identifier. If a code number is not yet assigned, leave this item blank.
- (c) Quantity - Insert the number of transmitters of this type proposed by this application. If no transmitters are being added to those already licensed, insert a zero. If a "D" is placed in item 10(j), the number of transmitters being deleted is inserted in this item. (For each frequency path with an operation code of PC or HS, there should be at least two transmitters for that path.)
- (d) Name of manufacturer - Give the name of the transmitter manufacturer; abbreviate if necessary.
- (e) Type or model number - Give the type number of the transmitter as it appears in the FCC equipment list, "Radio Equipment List - Equipment Acceptable for Licensing".
- (f) Power - Give the nominal power output of the transmitter (i.e., the power at which it will be operated), or for MDS, give equivalent isotropically radiated power (EIRP). This figure may not exceed the power output as type accepted and is measured at the same point as for type acceptance, or for MDS, may not exceed prescribed EIRP.
- (g) Emission designator - Give the emission designator for the transmitter. Normally, this is the same as the type accepted/notification value.

- (h) Frequency stability - This is the frequency stability (in percent) of the transmitter under the conditions in which it will be operated. Normally, this is the same as the type accepted/notification value. If MDS, tell whether or not  $\pm 1$  KHz.
- (i) Module code - This is the code number of an amplifier or other type of module which is not a complete transmitter but is type accepted by the Commission to be used in conjunction with or in lieu of certain elements of a transmitter. Where a module code is listed in column (i), there should be a corresponding number entered on another line in column (b) to refer to the equipment which is being used. If some transmitters of a given type are used with modules and some are not, they should be listed on separate lines. If the module code number is not known, use a number between 1 and 99 to link the module to the transmitter with which it is used. When a module is used with a transmitter, the output power, or EIRP for MDS, frequency stability and emission designator on the line with the transmitter should be for the entire transmitting package (transmitter and module). Columns (f), (g) and (h) may be left blank on the line containing the module entry.
- (j) Action code - This column should contain either an "A" or "D". An "A" will indicate that the number and type of transmitters on that line are being added to the license. A "D" will indicate that the number and type of transmitters on that line are being deleted from the license. See the first paragraph under item 8 above. Insert appropriate data in all columns on that line.

#### Item 11. Antenna Information:

This item shall be completed only for new or replacement antennas.

- (a) Antenna Code - Use the FCC I.D. If a code is not yet assigned, a number between 1 and 99 should be assigned to the antenna. This number must be used in items 8(f), 8(h), 8(j) or 8(l), as appropriate, in order to associate the antenna with its frequency path.
- (b) Name of manufacturer - Give the name of the antenna manufacturer; abbreviate if necessary.
- (c) Type or model number - Give the model number of the antenna as it appears on the FCC antenna list. If not on the list, give the manufacturer's model number.
- (d) Beam tilt - This item applies only to an applicant in the Multipoint Distribution Service or Digital Electronic Message Service using either mechanical or electrical beam tilt. The answer should be accurate to the nearest 1/10th degree.
- (e) Azimuth - This item applies only to an MDS applicant when employing a directional antenna. The orientation of the antenna, expressed in degree of azimuth, must be listed with respect to true north, accurate to the nearest degree.

#### Item 17. Multipoint Distribution Service (MDS).

(e) See 47 CFR Section 21.912.

(f)(1) See 47 CFR Sections 21.901 and 21.902. Note: On 20th day after filing application, ITFS Service Notice must be filed. If necessary, on the 90th day after filing application, ITFS Late Service Notice and ITFS Diligent Efforts Demonstration must be filed.

(f)(3) See 47 CFR Sections 1.1621-1.1623.

#### Item 28. Licensee Qualification Report

- (b) If FCC Form 430, "Licensee Qualification Report", has been previously filed, it need be updated only when the information presently on file is no longer substantially accurate and complete in all matters of decisional significance. Examples of significant types of changes which must be reported include: a change in control (*de jure* or *de facto*) of an applicant; a change in alien ownership or control which is significant under §310(a) of the Communications Act; or any conviction or administrative finding required to be reported under item 7 of FCC Form 430.

#### Item 30. Certification of Person Responsible for Preparing Engineering Information Submitted in this Application.

The engineering certificate must be signed by the technically qualified person responsible for preparation of the engineering information. In this context a "technically qualified person" is a person qualified to calculate and determine the interference potential and the efficient utilization of the proposed radio frequencies and facilities, and is thoroughly familiar with the technical requirements as specified in the applicable parts of the Commission's Rules. Such engineering certification must be signed in the original for each application.

#### Item 31. Certification of Applicant.

Certification on behalf of the applicant shall be made personally by the individual applicant, a partner (if applicant is a partnership), a corporate officer or duly authorized employee (if applicant is a corporation) that has been specifically authorized to act for and on behalf of the applicant, or officer/member (if applicant is an unincorporated association). Note: The financial certification must be updated when this financial certification is no longer substantially accurate and complete.

#### H. Special Instructions for Passive Facilities

A separate page 1 of this form must be completed for each passive repeater or passive reflector facility used. If multiple passive reflectors are used and the reflectors are so close as to have the same geographical coordinates (when rounded to nearest second), such reflectors will be treated as a single facility. For the purpose of this form, passive facilities should be treated as active stations. Number the additional page as 1B (1C, 1D, etc., if there is more than one associated passive site) and attach it to the application form for the nearest active corresponding station, immediately following page 1, renumbered as page 1A of that application.

**I. Special Instructions for Block Assignments**

Where the application involves a range of frequencies for general use in a specified geographical area (including temporary fixed stations), the following special instructions apply:

Leave blank those items which are clearly inapplicable, such as, items 9 and 11. .

Item 7(i). Name the city or describe the geographic or service area where facilities are to be used.

Item 7(j) and 7(k). Where the Rules specify a rectangular service area, give the maximum and minimum latitudes and longitudes.

Item 8(a). Give the lower limit of the frequency range followed by a dash (-) and the upper limit of the frequency range on the following line in item 8(a). Normally, polarization will not be specified.

**J. Special Instructions for Modification of Conditional License**

Item 3(d). Use the appropriate codes to indicate the changes in the terms of the license which are being requested.

Item 6. Complete this item if request is to amend an application, modify a license or to add an MDS booster station.

Specify in item 6(a)3. whether modification is pursuant to 47 CFR Section 21.40, or Section 21.41, or Section 21.42. In item 6(b), if this is an amendment to an application, provide file number of initial application. If this is a modification application, provide file number of initial application and give call sign of authorized station in 6(c). If this is an application for an MDS booster station, provide file number of initial application for main MDS transmitter station.

Item 7 through 14. Complete these items as though the application was an initial conditional license application. All data desired on the new authorization must be provided. All information on the outstanding conditional license which is not provided on this form will be deleted.

**NOTICE TO INDIVIDUALS**

The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average <sup>23</sup> hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-XXXX), Washington, DC 20503.

The foregoing Notice is required by the Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552(a)(3) and the Paperwork Reduction Act of 1980, P.L. 96-511, December 11, 1980, 44 U.S.C. 3504(c)(3)(C).

FCC 494 - APPLICATION FOR A NEW OR MODIFIED MICROWAVE RADIO STATION LICENSE UNDER PART 21

READ INSTRUCTIONS BEFORE COMPLETING

SECTION I (FEE PORTION)

PART I

APPLICANT NAME (Last, first, middle initial)

MAILING ADDRESS (Line 1) (Maximum 36 characters - refer to Instructions for Completing Section I, no. 2)

MAILING ADDRESS (Line 2) (if required) (Maximum 36 characters)

CITY

STATE OR COUNTRY (if foreign address)

ZIP CODE

CALL SIGN

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the Common Carrier Services Fee Filing Guide. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
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PART II - To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING
\$

FOR FCC USE ONLY

[illegible]



10. Transmitter Information									
(a) Xmtr. #	(b) Xmtr. Code	(c) Qty.	(d) Name of Manufacturer	(e) Type or Model Number	(f) Power Output/EIRP (Watts)	(g) Emission Designator	(h) Freq. Stability	(i) Module Code	(j) Act. Code

11. Antenna Information				
(a) Antenna Code	(b) Name of Manufacturer	(c) Type or Model Number	(d) Beam Tilt	(e) Azimuth

**12. Site Availability**

(a) Does this application propose a new or relocated station or receive-only station or passive facility? ☐ Yes ☐ No

If "YES," complete items (a) and (b) below. Give site name as listed on page 1 in space provided.

(b) Site secured by (Mark "X" in the appropriate box): Submit lease or option as Exhibit A. <input type="checkbox"/> Site Owned <input type="checkbox"/> Site Leased <input type="checkbox"/> Option to Buy or Lease <input type="checkbox"/> Other (Include Explanation as Exhibit A)	(c) Site Name
--	---------------

13. Has the applicant obtained reasonable assurance that it can use the proposed site? ☐ Yes ☐ No

<b>14. Antenna Structure Statement</b> (a) Status of Structure (Check One) <input type="checkbox"/> New Structure <input type="checkbox"/> Existing Structure, Height Not Increased <input type="checkbox"/> Existing Structure, Height Increased	(b) Overall Heights of Antenna Structure (Feet) (Heights should include obstruction light, if required, and any other surmounting appurtenance.)  <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">Above Ground Level</div> <div>+</div> <div style="text-align: center;">Site Elevation</div> <div>=</div> <div style="text-align: center;">Above Mean Sea Level</div> </div> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/>
(c) Will proposed transmitting antenna be supported by the antenna structure of any other radio station? <input type="checkbox"/> Yes <input type="checkbox"/> No      If "YES," give Call Sign: _____	(d) Distance from transmitting antenna structure to nearest runway of nearest aircraft landing area (Miles): _____

Submit as Exhibit No. \_\_\_\_\_, a vertical profile sketch for all antenna supporting structures and passive facilities involved in this application.  
 (See Part 21 of the Rules for specific requirements.)

(e) Is the antenna mounted on an existing structure or building which currently bears lighting and markings prescribed by FCC Rules Part 17?  
☐ Yes ☐ No      If "YES," give FCC Antenna Tower No. or FAA Aeronautical Study No. if known: \_\_\_\_\_

(f) Has FAA been notified? <input type="checkbox"/> Yes      If "YES," answer items (f) 1-3. <input type="checkbox"/> No	1. Date Filed (Month-Day-Year)	2. Name Under Which Filed
	3. Regional Office Where Filed (City, State)	

(g) Submit as Exhibit No. \_\_\_\_\_ a list of any natural formation or existing man-made structure (hills, trees, water tanks, tower, etc.) that applicant believes would tend to shield the antenna structure from aircraft and thereby minimize the aeronautical hazard of the antenna structure.

**15. Environmental Impact** ☐ Yes ☐ No

Does this proposal have a significant environmental impact, thus requiring an environmental assessment under the Commission's environmental rules (Part 1, Subpart 1)?

If "YES," submit as Exhibit No. \_\_\_\_\_ a statement addressing the environmental impact of this facility, as required by the Rules.

If "NO," submit as Exhibit No. \_\_\_\_\_ an explanation of why the applicant believes an environment assessment is not required.

**16. Geostationary Satellite Orbit** ☐ Yes ☐ No

Does this application propose installation or re-orientation of a transmitting antenna to operate with a frequency in the 5925-6425 MHz band and aimed within 2 degrees of the geostationary satellite orbit?

If "YES," submit as Exhibit No. \_\_\_\_\_ a justification for waiver as required by Part 21 of the Rules.

**17. Quiet Zone** ☐ Yes ☐ No

Does this application propose a new or modified station for any "quiet zone" or other area where radio use is restricted under the Commission's Rules?

If "YES," specify the following:

Authority Notified	Date of Notification
--------------------	----------------------

**18. Multipoint Distribution Service (MDS) or Digital Electronic Message Service (DEMS).**

Mark "X" in the appropriate box to indicate whether service involves the following.

☐ MDS (answer items (a), (b), (c), (d), (e) and (f) below).☐ DEMS (answer items (a) and (b) below).

- (a) Does this application propose a new or relocated station, or a major amendment under Section 21.23(c)(2) of the Rules?
- ☐
- Yes
- ☐
- No

If "YES," submit as Exhibit No. \_\_\_\_ an analysis of the potential for harmful interference with other authorized or previously proposed stations located within fifty miles which utilize, or would utilize, the same frequency or an adjacent potentially interfering frequency.

- (b) Does this application involve a new or relocated station whose transmitter, control point and/or studio will be located at different addresses?
- ☐
- Yes
- ☐
- No

If "YES," submit as Exhibit no. \_\_\_\_ the address(es) of the control point and/or studio and the means by which they are to be connected to the transmitter.

- (c) Does this application propose a new station?
- ☐
- Yes
- ☐
- No

If "YES," submit as Exhibit No. \_\_\_\_ a list of the program input facilities, (e.g., video tape machine, TV camera, Projectors, facsimile devices, etc.) and other studio equipment to be provided.

- (d) Applicant proposes to provide service3 as:
- ☐
- Common Carrier
- ☐
- Non-common carrier

- (e) Does this application propose a new or modified station for which there is an ownership interest in, control by, affiliation with, or leasing arrangement with a cable television company?
- ☐
- Yes
- ☐
- No

If "YES," submit as Exhibit No. \_\_\_\_ a description of the relationship and a map depicting overlap of the boundaries of cable franchise area and MDS station's protected service area, if any.

- (f) Is this an application for a Multichannel MDS station?
- ☐
- Yes
- ☐
- No

(1) If "YES," attach as Exhibit 1 certification of service on ITFS station licensees with transmitters within 50 miles.

(2) If "YES," proposed transmitter will be located (check one):

☐ within the borders of any MSA or NECMA. Give first name of MSA or NECMA: \_\_\_\_\_☐ within 15 miles of the border of any MSA or NECMA. Give first name of MSA or NECMA: \_\_\_\_\_☐ more than 15 miles from the borders of any MSA or NECMA.(3) (i) Do you claim a minority preference? ☐ Yes ☐ No(ii) Do you claim full diversity preference (no media mass communication)? ☐ Yes ☐ No(iii) Do you claim partial diversity preference (1,2, or 3 media of mass communications)? ☐ Yes ☐ No**19. Radio Station Maintenance Center**

Give the local address (not the P.O. Box) and telephone number of the maintenance center or person responsible for the technical operation of the station. Submit as Exhibit No. \_\_\_\_, a demonstration of maintenance procedures to insure good public service, including malfunction notification procedures and malfunction response time.

Location:

Telephone Number:

**20. Rule Waivers and Exceptions.**Is the proposal contained in this application inconsistent with any of the Commission's Rules? ☐ Yes ☐ No

If "YES", submit as Exhibit No. \_\_\_\_\_ all requests for waivers or exceptions, including justification and supporting showings.

**21. Frequency Coordination (Only Local TV Transmission Service and Fixed Stations in the Point-to-Point Microwave Service, Including Temporary Fixed)**Has prior frequency coordination or notification of this proposal been completed pursuant to 47 CFR 21.100(d)? ☐ Yes ☐ No

If "YES", submit as Exhibit No. \_\_\_\_\_, a list of the entities notified and the notification and response dates.

If "NO", submit as Exhibit No. \_\_\_\_\_, an explanation of why coordination or notification has not been completed or why the applicant believes that coordination or notification is not required.

**22. Public Interest**

Submit as Exhibit No. \_\_\_\_\_, a complete statement setting forth the purpose of the proposal and facts which show how it will be in the public interest and will satisfy needs for service. If the proposed facilities are to include multiplexed radio channel(s), specify the type and quantity of circuits or channels involved and projected traffic loading.

**23. Section 214 Authorization**

If authorization for radio channel multiplexing pursuant to Section 214 of the Communications Act is being (or has been) requested, identify application that is being or has been requested, with the following:

- (a) Date filed or estimated filing date:  
(b) FCC file number if known:

**24. Ownership and Control of Facilities**

(a) Mark "X" in the appropriate box to disclose the applicant's relationship to the proposed facilities (exclusive of site). Note: Applicant, in this context, includes any commonly owned company.

☐ Owner (including installment  
equipment purchases)

☐ Lessee

☐ Other

Submit as Exhibit No. \_\_\_\_ an explanation of the applicant's relationship to other.

- (b) Are there any agreements or understandings existent or under negotiation which affect the ownership or control of the facilities proposed herein, or any right or interest therein by any person not party to this application?

☐ Yes ☐ No

If "YES," submit as Exhibit No. \_\_\_\_, a statement explaining such understandings or agreements.

- (c) Are there any agreements or understandings existent or under negotiation which affect the management or operation of the facilities proposed herein?

☐ Yes ☐ No

If "YES," submit as Exhibit No. \_\_\_\_, a copy of such agreement or understanding and a demonstration of control.

**25. State or Local Franchises**

Does state or local law require any franchise or other authorization to maintain or render the services proposed herein?

☐ Yes ☐ No

If "YES," submit as Exhibit No. \_\_\_\_ (except MDS or DEMS) a copy of franchise or statement of state or local requirement of prior FCC authorization.

**26. Subscriber Affiliation**

Are the Point-to-Point Microwave Service, including Temporary Fixed, facilities proposed herein intended to provide primarily to relay broadcast television signals to specific subscribers who are related or affiliated in any manner, directly or indirectly, with the applicant?

☐ Yes ☐ No

If "YES," submit as Exhibit No. \_\_\_\_ a list of all such subscribers served by the microwave system involved in this proposal and include the following: (a) whether each subscriber is related or unrelated to the applicant; and (b) the number of channels provided to each, identifying existing and proposed service.

**27. Tariff**

Are the charges for the proposed service contained in a tariff filed with the FCC or a state commission?

☐ Yes ☐ No

If "YES," identify said tariff: \_\_\_\_\_

If "NO," submit as Exhibit No. \_\_\_\_ (except noncommon carrier licensees), a copy of the proposed schedule of charges and general terms of service. If an existing tariff is to be amended, only the modifications involving significant changes need be set forth.

**28. Construction Cost.**

Provide estimate of cost to establish facilities proposed in this application.

(NOTE: For a set of related Point-to-Point Microwave applications, give total estimated cost.)

Engineering and design

\$ \_\_\_\_\_

Application (including preparation and prosecution of application, legal fees, etc.)

\_\_\_\_\_

Estimated cost to establish the facilities proposed in this application (including equipment and site acquisition)

\_\_\_\_\_

TOTAL

\$ \_\_\_\_\_

**29. Licensee Qualification Report**

Does the applicant have a current "Licensee Qualification Report," FCC 430 form on file for this service?

☐ Yes ☐ No

If "YES," indicate the date of such filing and FCC Division. \_\_\_\_\_

If "NO," complete questions (a) through (d) below.

(a) Transferee is: (Check one)

☐ Individual (or Sole Proprietor)

☐ Partnership

☐ Corporation

☐ Unincorporated Association

(b) Attach as Exhibit No. \_\_\_\_ a statement of applicant's principal business.

(c) Attach as Exhibit No. \_\_\_\_ a statement of the businesses, employment, or activities, other than communications in which individual applicant, each member if a partnership, and all principals if a corporation, are engaged, giving: (1) nature of activity; (2) location of activity; and (3) hours devoted to each activity.

d. Is individual applicant, or if partnership, a citizen of the United States?	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Is applicant or any party to this application a representative of an alien or of a foreign government?	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. If applicant is a partnership, attach as Exhibit No. _____ one copy, properly certified, of the partnership agreement, or if oral, complete details thereof.	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. If applicant is a Corporation (including joint stock companies) or Association, answer the following questions:	
(1) Under laws of what State or Country is it organized? _____	
(a) Attach as Exhibit No. _____ a certified copy of the Articles of Incorporation (charter) if not heretofore on file with the Commission. If previously filed, state date and FCC Division.	
(b) Attach as Exhibit No. _____ the names, addresses and percentages of stock held by all principals of the corporation and by all stockholders owning and/or voting 10 percent or more of applicant's stock.	
(2) Is any director or officer an Alien? If "YES," in Exhibit No. _____ give name and position of each.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(3) Is more than one-fifth of the capital stock owned of record, or may it be voted, by aliens or their representatives, or by a foreign government or representatives thereof, or by a corporation organized under the laws of a foreign government?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(4) Is applicant directly or indirectly controlled by any other corporation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If "YES," give in Exhibit No. _____ the names and addresses of all such controlling corporations to and including organizations having final control and furnish for each all the information requested in g. (1)-(3) above.	
(5) Is applicant directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(6) Is more than one-fourth of the capital stock of any controlling corporation owned of record, or may it be voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
h. (1) Is applicant directly or indirectly, through stock ownership, contract, or otherwise, interested in the ownership or have control of any other radio stations?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "YES," in Exhibit No. _____ give call sign and service, location, and name of permittee(s) or licensee(s).	
(2) Has applicant in the past fifteen years been directly or indirectly interested in the ownership or control of any radio stations other than those referred to under (1)?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "YES," in Exhibit No. _____ give call sign and service, location, and name of permittee(s) or licensee(s).	
i. Has applicant or any party to this application had any station authorization revoked or had any application for construction permit, license, or renewal denied by this Commission?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "YES," attach as Exhibit No. _____ a statement relating all the pertinent circumstances.	
j. (1) Has the applicant been finally adjudged guilty by a Federal Court or unlawfully monopolizing, or attempting to monopolize, radio communication directly or indirectly through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or unfair methods of competition?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
j. (2) Has the applicant, or any party to this application, or any person directly or indirectly controlling the applicant ever been convicted of a crime for which the penalty imposed was a fine of \$500 or more, or an imprisonment of six months or more?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "YES," attach as Exhibit No. _____ a statement relating the facts.	
j. (3) Is applicant directly or indirectly controlled by any party finally adjudged guilty as above stated?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is applicant, or any person directly or indirectly controlling the applicant, presently a party in any matter referred to in items i and j?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "YES," attach as Exhibit No. _____ a statement relating the facts?	
l. (1) Is applicant personally familiar with the provisions of the Commission's Rules governing the service which is the subject of this application?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

l. (b) Has applicant examined the subject facilities and determined that construction and operation is in compliance with current authorizations and the Commission's Rules?

☐ Yes ☐ No

m. Attach as Exhibit No. \_\_\_\_\_ a statement explaining how the construction and/or operation of the station will be in the public convenience, interest, or necessity.

30. List the common carrier and satellite radio services in which filer has applied or is a current licensee or permittee:

**31. Additional Exhibits.**

Provide any other information, in attached exhibits, that may be required by the Commission's Rules not otherwise addressed in this form. Identify any such exhibits below.

Exhibit No.	Identity	Exhibit No.	Identity

**32. Certification of Person Responsible for Preparing Engineering Information submitted in this Application.**

I hereby certify that I am the technically qualified person responsible for preparation of the engineering information contained in this application, that I am familiar with Part 21 of the Commission's Rules, that I have either prepared or reviewed the engineering information submitted in this application, and that it is complete and accurate to the best of my knowledge.

Date	Type or Print Name of Person Signing	Signature

Address (Number, Street, City, State and ZIP Code)

**33. Certification of Applicant.**

By checking yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that Section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☐ Yes ☐ No

The applicant has, or has reasonable assurance that it will have, the ability to meet the expected cost of constructing the facilities within the construction period and the estimated operating expenses for twelve months. I am familiar with Part 21 of the Commission's Rules and have either prepared or reviewed the information submitted in this application. The applicant waives any claim to the use of any particular frequency of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a construction authorization in accordance with this application. All statements made in the attached exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that the statements made in this application are true, complete and correct to the best of the signer's knowledge and belief, and are made in good faith.

Date	Applicant (Must correspond with that shown on Page 1)	Type or Print Name of Person Signing
Signature	Title (Position Held by Person Signing)	

**34. Contact Representative.**

Indicate the name, mailing address, and telephone number of person to contact, if other than applicant.

Name	Mailing Street Address or P.O. Box, City, State and ZIP Code	Area Code-Telephone No.

WILLFUL FALSE STATEMENTS MADE ON THIS APPLICATION ARE PUNISHABLE BY FINE AND IMPRISONMENT [ U.S. Code, Title 18, Section 1001] AND/OR REVOCATION OF ANY STATION LICENSE [U.S. Code, Title 47, Section 312(a)(1)], AND/OR FORFEITURE [U.S. Code, Title 47, Section 503].

APPLICATION FOR CONSENT TO ASSIGNMENT OR FOR TRANSFER OF CONTROL OF RADIO STATION  
CONSTRUCTION AUTHORIZATION OR LICENSE

FCC 705 is to be used when applying for consent to assignment of radio facilities governed by 47 C.F.R. 21, 23 or 25 or for consent to transfer control of corporation holding common carrier (or noncommon carrier) radio station permit or license under 47 C.F.R. 21, 23 or 25.

FCC 705 consists of two Sections: Section I is the fee portion; Section II is the application portion.

**Instructions for Completing Section I (Fee Portion)**

Part I must be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Part II. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

1. "Applicant Name" - Enter the name (last, first, middle initial) of the applicant. If company, enter name which is used commercially.
2. "Mailing Address (Line 1)" - Enter the street address or post office box number to which the applicant wishes correspondence sent.
3. "Mailing Address (Line 2)" - This line may be used for further identification of the address if additional space is required.
4. "City" - Enter the name of the city associated with the given street address.
5. "State or Country" - Enter the appropriate two-digit state abbreviation as prescribed by the U.S. Postal Service. If address is foreign, enter the appropriate country name here.
6. "ZIP Code" - Enter the appropriate five or nine-digit ZIP code prescribed by the U.S. Postal Service.
7. "Call Sign or Other FCC Identifier" - Enter an applicable call sign or unique FCC Identifier, if any, as shown on your attached application. If applying for service affecting more than one call sign, enter one call sign only.
8. Column (A), "Fee Type Code" - Enter correct Fee Type Code(s) from the Common Carrier Services Fee Filing Guide. Inaccurate or erroneous Fee Type Codes may result in your application or filing being returned to you without further processing.
9. Column (B), "Fee Multiple" - Your submission may request action with respect to more than one station, license, frequency or party and can be submitted together with one check if they meet specific conditions. This column is used only if a multiple, i.e., two or more, is being applied for. Refer to the Common Carrier Services Fee Filing Guide for additional information.

10. Column (C), "Fee Due for Fee Type Code in Column (A)" - Enter in this block the amount of the fee associated with the Fee Type Code shown in Column (A) (times (x) the fee multiple, if required).

11. "Total Amount Remitted With This Application or Filing" - Enter the total of lines (1) through (5) of Column (C). This amount should equal the amount of your check or money order. We will not accept multiple checks.

**How to Submit Applications**

An original and one copy of completed application must be submitted. Required copies of applications should be clearly identified as "duplicate copy" and placed behind the original package. A copy of an application submitted for receipt purposes only should be placed at the bottom of the submission. Extraneous material and extra copies should be avoided at all times. Failure to abide by these instructions will delay the processing of your submission or will result in return of the application without action.

**Mailing Instructions**

Completed applications should be mailed to the proper address as shown in the Common Carrier Services Fee Filing Guide. Applications which are properly addressed to the appropriate P.O. Box number may also be hand delivered to the following address: Federal Communications Commission, c/o Mellon Bank, Three Mellon Bank Center, 535 William Penn Way, 27th Floor, Room 153-2713, Pittsburgh, Pennsylvania, (Attention: Wholesale Lockbox Shift Supervisor).

Applications received before midnight on a normal business day will receive that day's date as the receipt date. Deliveries made after midnight on Fridays will not be "officially" receipted until the next Monday. Applications received on weekends and government holidays are dated the next regular business day. A single check, bank draft or money order made payable to the FEDERAL COMMUNICATIONS COMMISSION and denominated in U.S. dollars and drawn upon a U.S. financial institution must be included with each application requiring a fee. No postdated, altered or third-party checks will be accepted. **DO NOT SEND CASH.**

**General Instructions for Completing Section II (Application Portion)**

Section II is the application portion, which consists of four parts: Part I - to be completed by Assignor or Transferor; Part II - to be completed by Transferee; Part

III - to be completed by Assignee; and Part IV - to be completed by Assignee or Transferee.

1. Before the application portion is prepared, the applicant should refer to the applicable rules and regulations of the Commission which govern the radio facility (Title 47, Code of Federal Regulations (C.F.R.) Parts 1, 21, 23 or 25) copies of which may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Items 32 and 33 apply to 47 C.F.R. 21 applicants only.

2. 47 C.F.R. Parts 21, 23 or 25 may require information to be filed with the application in addition to that specified in the application form. Applicants should make every effort to file a complete application in compliance with the Rules. Failure to do so can result in rejection or return of the application or a delay in the processing of the application. The Commission may require the furnishing of additional information as it deems necessary in the consideration of the application.

3. One submission may be filed to request assignment of a group of station licenses provided specific requirements are met. (see 47 C.F.R. Parts 21, 23 or 25 for details).

4. Number each document or statement required to be filed as Exhibit consecutively. Enter the numbers in the space provided in the items of the form. When exhibit is not required, enter "X" in the blank form.

5. Approval of this application is not to be construed as modification of outstanding authorization.

6. Item 3. All applicants are to complete Item 3, columns (a), (b) and (c). Services which may be listed in column (c) for Part 25 include: Transmit Earth Stations; Satellite Systems (column (d) does not apply); Small Transmit/Receive Earth Station; Receive Only Earth Stations; and Space Stations (column (d) does not apply). Part 21 services include: Point-to-Point Microwave Radio; Multipoint Distribution; Local Television Transmission; Digital Electronic Message; and Fixed Subsidiary Communications Authorization. The service for Part 23 is International Fixed Public Radio.

Column (d) is to be completed only by applicants requesting transfer of control for authorizations issued in

the domestic satellite services (under 47 CFR 25) for each authorization listed.

**Notice:** The solicitation of personal information requested in this form is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to average 7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3060-XXXX), Washington, DC 20503.

The foregoing Notice is required by the Privacy Act of 1974, P.L. 93-579, December 31, 1974, 5 U.S.C. 552a(e)(3) and the Paperwork Reduction Act of 1980, P.L. 96-511, December 11, 1980, 44 U.S.C. 3504(c)(3)(C).

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Approved by OMB

3060-XXXX

Expires XX/XX/XX

Est. Avg. Hrs. Per Response: 7 Hrs.

FOR  
FCC  
USE  
ONLY

FCC 705 - APPLICATION FOR CONSENT TO ASSIGNMENT OR FOR TRANSFER OF CONTROL OF RADIO STATION  
CONSTRUCTION AUTHORIZATION OR LICENSE  
READ INSTRUCTIONS BEFORE COMPLETING

SECTION I (FEE PORTION)

PART I

APPLICANT NAME (Last, first, middle initial)

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instructions for Completing Section I, no. 2)

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

STATE OR COUNTRY (if foreign address)

ZIP CODE

CALL SIGN

OTHER FCC IDENTIFIER

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the Common Carrier Services Fee Filing Guide. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

	(A)	(B)	(C)										
	FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
\$													

PART II - To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(2)	<table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					<table border="1"><tr><td>\$</td></tr></table>	\$	<table border="1"><tr><td></td></tr></table>	
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (6), AND ENTER THE TOTAL HERE.  
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING
\$

FOR FCC USE ONLY



**SECTION II (Application Portion)****FCC Use Only**

Service

File No. and Call Sign

**PART I - TO BE COMPLETED BY ASSIGNOR OR TRANSFEROR**

1. Name and Mailing Street Address or P.O. Box, City, State and ZIP Code of Permittee or Licensee Appearing on Commission's Records

2. Application is for:

☐ Assignment☐ Transfer of Control

3. List here the Permits or Licenses For Which Assignment or Transfer of Control is Sought in this Application

(a) Call Sign	(b) File No.	(c) Service	(d) No. of Stations

4. Name and Street Address or P.O. Box, City, State and ZIP Code of Assignor or Transferor

5. Name and Street Address of P.O. Box, City, State and ZIP Code of Assignee or Transferee

Complete items 6 - 8, if application is for transfer of control. Otherwise, skip to Item 9.

6. Permittee or Licensee represents: (check one)

☐ That there is attached to this application as Exhibit No. \_\_\_\_\_ a certified copy of the Articles of Incorporation (charter) of the permittee or licensee company.

☐ That there is now on file with the Commission a current certified copy of the Articles of Incorporation of the permittee or licensee company. Where Filed: \_\_\_\_\_ Date Filed: \_\_\_\_\_

7(a) Transfer of Control will be accomplished by: (check one)

☐ Sale or other transfer or assignment of stock (Complete 6(b))

☐ Other (e.g., voting trust agreement, management contract, court order, etc.)

**b. Transfer or Assignment of Stock**

Shares	Number of Shares	Classification (common, preferred, etc.)
Shares to be Transferred . . . . .		
Shares issued and outstanding . . . . .		
Shares authorized . . . . .		

8. Attach as Exhibit No. \_\_\_\_\_ a statement on how control is to be transferred and copies of any pertinent contracts, agreements, instruments, certified copies of court orders, etc.

**9. CERTIFICATION**

The undersigned, individually and for the permittee or licensee represents that all the attached exhibits pertinent to Part I are a material part hereof and are incorporated herein as if set out in full in this application, and certifies that all the statements made in Part I of this application are true, complete and correct to the best of his(her) knowledge and belief.

The undersigned represents that the license will not be assigned or that stock will not be delivered, and that control will not be transferred, until the Commission's consent has been received, but that transfer must be completed within 60 days if Commission consents.

I request that the Commission grant its written consent to the foregoing assignment or transfer of control.

Date

Printed or Typed Name of Permittee or Licensee (Must agree with Item 1)

Signature

Title (Office Held by Person Signing)

WILLFUL FALSE STATEMENTS MADE ON THIS APPLICATION ARE PUNISHABLE BY FINE AND IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY AUTHORIZATION (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).